

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT**

AMERICAN CABLE ASSOCIATION, CTIA – THE WIRELESS ASSOCIATION, NCTA – THE INTERNET & TELEVISION ASSOCIATION, NEW ENGLAND CABLE & TELECOMMUNICATIONS ASSOCIATION, and USTELECOM – THE BROADBAND ASSOCIATION, on behalf of their members,

Plaintiffs,

v.

PHILIP B. SCOTT, in his official capacity as the Governor of Vermont; SUSANNE R. YOUNG, in her official capacity as the Secretary of Administration; JOHN J. QUINN III, in his official capacity as the Secretary and Chief Information Officer of the Vermont Agency of Digital Services; and JUNE E. TIERNEY, in her official capacity as the Commissioner of the Vermont Department of Public Service

Defendants.

Case No. 2:18-cv-00167-CR

**STIPULATION REGARDING CONTINGENT EXTENSION OF PENDING
DEADLINES**

Plaintiffs the American Cable Association, CTIA – The Wireless Association, NCTA – The Internet & Television Association, New England Cable & Telecommunications Association, and USTelecom – The Broadband Association (collectively, “Plaintiffs”), and Defendants Philip B. Scott, Susanne R. Young, John J. Quinn III, and June E. Tierney in their official capacities (“Defendants,” and collectively with Plaintiffs, the “Parties”), by and through their respective counsel, hereby stipulate and agree as follows:

WHEREAS, the Parties earlier today jointly filed a Stipulation and [Proposed] Order Regarding Temporary Stay of Litigation and Injunction Barring Enforcement of Executive Order No. 2-18 and Act 169 (referred to in Plaintiffs' Complaint as Senate Bill 289), which, if accepted by the Court, would stay this action pending resolution of a separate proceeding currently pending in the U.S. Court of Appeals for the D.C. Circuit.

WHEREAS, Defendants filed a motion to dismiss this action on December 24, 2018 (ECF No. 24), which has been fully briefed, and Plaintiffs filed a motion for summary judgment on January 23, 2019 (ECF No. 28), to which Defendants are currently scheduled to respond on March 15, 2019 (ECF No. 37).

WHEREAS, Defendants served discovery requests on Plaintiffs on February 8, 2019 (ECF No. 31), to which, by prior agreement of the Parties, Plaintiffs are currently scheduled to respond on April 3, 2019.

WHEREAS, a hearing on the aforementioned motions has been set for April 11, 2019 (ECF No. 32).

WHEREAS, the Parties wish to conserve judicial and party resources, and believe that brief extensions of time for Defendants' opposition to Plaintiffs' motion for summary judgment and for Plaintiffs' responses to Defendants' discovery requests are appropriate to the extent necessary while the Court considers the Stipulation and [Proposed] Order Regarding Temporary Stay of Litigation and Injunction Barring Enforcement of Executive Order No. 2-18 and Act 169.

WHEREAS, the Parties recognize that the instant Stipulation Regarding Contingent Extension of Pending Deadlines and the accompanying [Proposed] Order will be moot if the Court enters the [Proposed] Order Regarding Temporary Stay of Litigation and Injunction

Barring Enforcement of Executive Order No. 2-18 and Act 169 before the current, March 15, 2019 deadline for Defendants' response to the motion for summary judgment.

NOW THEREFORE, in consideration of the foregoing, the Parties further stipulate and agree as follows:

1. Defendants' brief in opposition to Plaintiffs' motion for summary judgment shall be filed on or before March 25, 2019.
2. Plaintiffs' responses to Defendants' discovery requests shall be served on or before April 12, 2019.

Dated: March 14, 2019

Respectfully submitted,

/s/ David A. Boyd

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